

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ROADGET BUSINESS PTE. LTD.,

*Plaintiff,*

v.

PDD HOLDINGS INC. and WHALECO, INC.,

*Defendants.*

Civil Action No. 1:22-cv-07119

Judge: Hon. Franklin U. Valderrama

Magistrate Judge: Hon. Jeffrey Cummings

**JURY TRIAL DEMANDED**

**DECLARATION OF TIM WEI IN SUPPORT OF PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

I, Tim Wei, declare and state as follows:

1. I am over the age of eighteen years old and am competent to give this Declaration. I have personal knowledge of the facts set forth herein and, if called to testify, I would and could competently testify to those facts.

2. I am submitting this Declaration in support of the Motion for Temporary Restraining Order filed by Plaintiff Roadget Business Pte. Ltd. (“Roadget” or “Plaintiff”) in this matter against Defendants WhaleCo, Inc. (“WhaleCo”) and PDD Holdings Inc. (“PDD”), (collectively, “Defendants” or “Temu”).

3. I currently hold the position of in-house counsel. During the relevant times, I was employed by an affiliate of Roadget, which is an indirect operating parent of Shein Distribution Corporation (“SDC,” and together with Roadget, “Shein”). The facts contained in this Declaration are within the scope of my own knowledge and experience. My responsibilities include, among other things, overseeing Roadget’s trademark and copyright portfolios and enforcement of its intellectual property rights, and managing certain legal matters surrounding Shein’s sale and marketing of products, including trademark/logo use. I am also involved with certain operations concerning the Shein websites. Based on my role and responsibilities, I am aware of and familiar

with the commercial use of the SHEIN marks in the United States and the creation and use of Roadget's copyrighted images and designs.

#### **The SHEIN Brand and Roadget's Valuable Intellectual Property Rights**

4. Roadget is a private limited company organized under the laws of the country of Singapore. Roadget is the owner of the famous SHEIN trademarks in the United States (and worldwide) and owns the website located at <https://us.shein.com> and the corresponding mobile application (together, the "SHEIN Website").

5. Roadget's SHEIN trademarks are used to sell a wide variety of products around the world, including in the United States, where the SHEIN-branded goods and services are primarily sold by Roadget's affiliate and licensee, SDC, through the SHEIN Website.

6. Roadget owns the following "SHEIN" trademarks registered on the U.S. Principal Register:

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
<u>SHEIN (Stylized)</u>  RN: 6224013 SN: 88776666  Registered 12/15/2020	(Int'l Class: 14) Jewelry; costume jewelry; necklaces; earrings; bracelets; rings; jewelry brooches; watches; hat jewelry; jewelry pins for use on hats; pins being jewelry; precious metals, unwrought or semi-wrought; jewelry accessories, namely, jewelry clips for adapting pierced earrings to clip-on earrings; jewelry findings; jewelry boxes, jewelry charms, alarm clocks, split rings of precious metal for keys
<u>SHEIN (Stylized)</u>  RN: 6649062 SN: 87857183  Registered 2/22/2022	(Int'l Class: 25) Scarves; dresses; kimonos; shirts; tank tops; camisoles; blouses; t-shirts; knitwear, namely, knit tops, knit bottoms; sweaters; jumpers; coats; vests; parkas; capes; sweatshirts; lingerie; negligees; swimwear; jackets; blazers; leggings; jumpsuits; pants; trousers, shorts; shoes; shoes, namely, flats and pumps; heels; sandals; boots; shawls; socks; bikinis; night gowns; pajamas; bathrobes; gloves; bras; bustiers; rainwear; aprons; belts for clothing; hats
<u>SHEIN (Stylized)</u>  RN: 5689042 SN: 87857147  Registered 3/5/2019	(Int'l Class: 09) Cell phone cases; eyeglasses; digital photo frames; bathroom scales; sunglasses; downloadable computer software in the nature of applications for purchases of clothes and fashion accessories; spectacle cases; spectacle frames; remote control apparatus for the control of televisions which the remote is designed to control; counters, namely, thread counters

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
<u>SHEIN (Stylized)</u>  RN: 5944948 SN: 87857222  Registered 12/24/2019	(Int'l Class: 16) Posters; printed matter, namely, photographs in the field of fashion; paper; steel pens; drawing materials, namely, brushes; ink, namely, ink for pens, stamping ink; stationery; gummed tape for stationery or household use; stamps in the nature of stamp pads and ink stamps; seals; coasters of paper
<u>SHEIN (Stylized)</u>  RN: 5893349 SN: 87857249  Registered 10/22/2019	(Int'l Class: 24) Bed liners in the nature of mattress covers; table liners in the nature of textile tablecloths; bed sheets; towels of textile; silk fabrics for printing patterns; travelling rugs; lap robes; pillowcases; fitted furniture covers of textile; linen cloth; canvas for tapestry or embroidery
<u>SHEIN (Stylized)</u>  RN: 5893350 SN: 87857258  Registered 10/22/2019	(Int'l Class: 26) Hair clips; hair accessories, namely, jaw clips; hair pins; hat pins; belt buckles; bobby pins; hat ornaments not of precious metal, namely, hat trimmings
<u>SHEIN (Stylized)</u>  RN: 6649063 SN: 87857188  Registered 2/22/2022	(Int'l Class: 35) Advertising agency services; advisory in business management; import and export agency services; providing online marketplace for buyers of products and services; organization of exhibitions for commercial or advertising purposes; employment agency services; relocation services for companies; compiling indexes of information on the internet for commercial or advertising purposes; business auditing; sponsorship services, namely, sponsorship search, financial sponsorship search
<u>SHEIN (Stylized)</u>  RN: 5893348 SN: 87857247  Registered 10/22/2019	(Int'l Class: 21) Battery-powered applicators for applying cosmetics to eyelashes; daily used enamel plastic wares, namely, basins in the nature of receptacles, bowls, plates, pots, cups; daily use glassware, namely, cups, plates, pots, butter crocks; daily use chinaware, namely, basins in the nature of receptacles, bowls, plates, pots, coffee services in the nature of tableware, butter crocks, candle jars, trash cans; basting brushes; beverage glassware for serving liqueur; boxes for dispensing paper towels for household use; toothbrushes; toothpicks; combs
<u>SHEIN (Stylized)</u>  RN: 5840545 SN: 87857225  Registered 8/20/2019	(Int'l Class: 18) Bags, namely, suit bags; pocket wallets; rucksacks; attaché cases; handbags; travelling trunks; key cases; bags for sports; umbrellas; imitation leather; wallets; purses; knapsacks; suitcases; beach bags; all-purpose sports bags; book bags; travel cases; shopping bags, namely, leather shopping bag, textile shopping bag; travel kits, namely, travel cases sold empty; string bags for shopping

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
<u>SHEIN</u> RN: 6861756 SN: 88107563 Registered 10/4/2022	(Int'l Class: 25) Bandanas; Beachwear; Belts; Blazers; Blouses; Bodysuits; Camisoles; Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Jumpsuits; Kimonos; Leggings; Lingerie; Loungewear; Pants; Robes; Rompers; Scarves; Shirts; Shorts; Skirts; Sleepwear; Socks; Sweaters; Sweatshirts; Swimwear; T-shirts; Tights; Tops as clothing; Underwear; Vests
<u>SHEIN</u> RN: 6861757 SN: 88107571 Registered 10/4/2022	(Int'l Class: 35) On-line retail store services featuring clothing, clothing accessories, hair accessories, bags, purses, footwear, headwear, jewelry, sunglasses, belts for clothing, makeup, bedding, and cell phone cases and accessories
<u>SHEIN (Stylized)</u>  RN: 5256688 SN: 86526588 Registered 8/1/2017	(Int'l Class: 14) Jewelry; costume jewelry; necklaces; earrings; bracelets; rings; brooches; watches; hat ornaments of precious metal; pins being jewelry  (Int'l Class: 18) Wallets; handbags; purses; knapsacks; suitcases; beach bags; all-purpose sports bags; book bags; travel utensils made of leather, namely, travel cases; shopping bags, namely, leather shopping bag, textile shopping bag; travel kits, namely, travel cases; string bags for shopping  (Int'l Class: 25) Scarves; dresses; kimonos; shirts; tank tops; camisoles; blouses; T-shirts; knitwear, namely, knit tops, knit bottoms; sweaters; jumpers; coats; vests; parkas; capes; sweatshirts; lingerie; negligees; swimwear; jackets; blazers; leggings; jumpsuits; pants; trousers, shorts; shoes; flats; pumps; heels; sandals; boots; shawls; socks; bikinis; night gowns; pajamas; bathrobes; gloves; bras; bustiers; rainwear; aprons; belts for clothing; hats  (Int'l Class: 26) Hair clips; hair accessories, namely, jaw clips; hair pins; hat pins; belt buckles; Bobby pins; hat ornaments not of precious metal  (Int'l Class: 35) Online retail store services in the fields of clothing, accessories, footwear, and jewelry

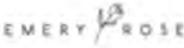
7. True and correct copies of these trademark registrations are attached as **Exhibit A** (the “SHEIN Marks”).

8. The SHEIN Marks have been used continuously and exclusively in commerce in the U.S. since at least 2013.

9. The SHEIN Marks, which have been licensed to SDC, serve as unique source identifiers for the online retail store services and products offered and sold through the SHEIN Website.

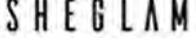
10. For example, many products offered on the SHEIN Website bear a SHEIN Mark on the product's hangtag and sewn-in clothing tags for apparel offered on the SHEIN Website. Attached as **Exhibit B** are true and correct copies of product photos displayed on the SHEIN Website that show use of the SHEIN mark on clothing tags.

11. Roadget also owns trademarks in the affiliated brands SHEIN CURVE, DAZY, EMERY ROSE, SHEGLAM, ROMWE, and LUVLETTE (the "Affiliate Brand Marks"). Roadget owns valid and subsisting registrations on the U.S. Principal Register for the Affiliate Brand Marks, which have been exclusively and continuously used in commerce in the United States at least as early as the "First Use" dates identified below:

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
<u>SHEIN CURVE</u>  RN: 6181709 SN: 88809699  Registered 10/20/2020 First Use 6/16/2020	(Int'l Class: 25) Scarves; dresses; kimonos; shirts; tank tops; camisoles; blouses; t-shirts; knitwear; namely, knit tops, knit bottoms; sweaters; jumpers; coats; vests; parkas; capes; sweatshirts; lingerie; negligees; swimwear; jackets; blazers; leggings; jumpsuits; pants; trousers; shorts; bikinis; night gowns; pajamas; bathrobes; gloves; bras; bustiers; rainwear; aprons; belts for clothing; hats
<u>DAZY (Stylized)</u>  <u>DAZY</u>  RN: 6681049 SN: 90545647  Registered 3/22/2022 First Use 4/4/2021	(Int'l Class: 25) Scarves; dresses; kimonos; shirts; tank tops; camisoles; blouses; t-shirts; knitwear, namely, knit tops, knit bottoms; sweaters; jumpers; coats; vests; parkas; capes; sweatshirts; lingerie; negligees; swimwear; jackets; blazers; leggings; jumpsuits; pants; trousers, shorts; bikinis; night gowns; pajamas; bathrobes; gloves; bras; bustiers; rainwear; aprons; belts for clothing; hats; footwear
<u>EMERY ROSE and Design</u>   RN: 6564375 SN: 90368038  Registered 11/16/2021	(Int'l Class: 25) Bandanas; beachwear; blazers; blouses; bodysuits; camisoles; coats; dresses; gloves; headwear; jackets; jeans; jumpsuits; kimonos; leggings; lingerie; loungewear; pants; robes; rompers; scarves; shirts; shorts; skirts; sleepwear; socks; sweaters; sweatshirts; swimwear; t-shirts; tights; tops as clothing; underwear; vests; tank tops; knitwear, namely, knit tops, knit bottoms; jumpers; parkas; capes; negligees; trousers, shoes, namely, flats and pumps; heels; sandals; boots; shawls;

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
First Use 12/31/2020	bikinis; night gowns; pajamas; bathrobes; bras; bustiers; rainwear; aprons; belts for clothing; hats
<u>EMERY ROSE</u> RN: 6564376 SN: 90368040  Registered 11/16/2021 First Use 12/31/2020	(Int'l Class: 25) Bandanas; beachwear; blazers; blouses; bodysuits; camisoles; coats; dresses; gloves; headwear; jackets; jeans; jumpsuits; kimonos; leggings; lingerie; loungewear; pants; robes; rompers; scarves; shirts; shorts; skirts; sleepwear; socks; sweaters; sweatshirts; swimwear; t-shirts; tights; tops as clothing; underwear; vests; tank tops; knitwear, namely, knit tops, knit bottoms; jumpers; parkas; capes; negligees; trousers, shoes, namely, flats and pumps; heels; sandals; boots; shawls; bikinis; night gowns; pajamas; bathrobes; bras; bustiers; rainwear; aprons; belts for clothing; hats
<u>EMERY ROSE and Design</u>   RN: 6860440 SN: 90446232  Registered 9/27/2022 First Use 4/24/2020	(Int'l Class: 14) Jewelry, precious stones; horological and chronometric instruments; paste, imitation, fashion, artificial and costume jewels and jewelry; semi-precious stones; decorative articles for personal use, namely, decorative key fobs; decorative boxes made of precious metal; jewelry cases; parts and fittings for all the aforesaid goods
<u>ROMWE</u> RN: 4446768 SN: 85865232  Registered 12/10/2013 First Use 3/6/2011	(Int'l Class: 14) Jewellery, jewelry; jewellery, namely, necklaces, rings, earrings, bracelets, brooches; parts and fittings for the above  (Int'l Class: 25) Clothing, namely, shirts, t-shirts, dresses, blouses, skirts, trousers, jumpers, pullovers, hooded pullovers, hooded sweatshirts, cardigans, suits, dress suits, ladies' suits, coats, jackets, vests, underwear, lingerie, jeans, pants, swimwear, tights, leggings, collars, scarves, stockings, belts; footwear, namely, shoes, boots, socks; headwear, namely, hats and caps  (Int'l Class: 35) Retail store services featuring jewellery, necklaces, rings, earrings, bracelets, brooches, handbags, shoulder bags, clothing, namely, shirts, t-shirts, dresses, blouses, skirts, trousers, jumpers, pullovers, hooded pullovers, hooded sweatshirts, cardigans, suits, dress suits, ladies' suits, coats, jackets, vests, underwear, lingerie, jeans, pants, swimwear, tights, leggings, collars, scarves, stockings, belts, footwear, namely, shoes, boots, socks, headwear, namely, hats and caps; advice and information relating to the above
<u>ROMWE</u> RN: 5932890 SN: 87857264	(Int'l Class: 16) Posters; printed matter, namely, photographs in the field of fashion; paper; steel pens; drawing materials, namely, brushes; ink, namely, ink for pens, stamping ink, and stamping ink in the nature of stamp pads;

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
Registered 12/10/2019 First Use 2/14/2016	stationery; gummed tape for stationery or household use; stamps in the nature of ink stamps; seals; coasters of paper
<u>ROMWE</u> RN: 5615832 SN: 87857206  Registered 11/27/2018	(Int'l Class: 09) Cell phone cases; eyeglasses; digital photo frames; bathroom scales; sunglasses; downloadable computer software in the nature of applications for purchases of clothes and fashion accessories; spectacle cases; spectacle frames; remote control apparatus for the control of televisions which the remote is designed to control; counters, namely, thread counters
<u>ROMWE</u> RN: 6278314 SN: 87857286  Registered 2/23/2021 First Use 2/1/2019	(Int'l Class: 24) Bed liners in the nature of mattress covers; table liners in the nature of textile tablecloths; bed sheets; towels of textile; silk fabrics for printing patterns; travelling rugs; lap robes; pillowcases; fitted furniture covers of textile; linen cloth; canvas for tapestry or embroidery
<u>ROMWE</u> RN: 5932892 SN: 87857268  Registered 12/10/2019 First Use 2/1/2019	(Int'l Class: 20) Cushions; cupboards; furniture; handling pallets, not of metal; mirrors; looking glasses; pillows; trays, not of metal, namely, computer keyboard trays; sleeping pads; sleeping mats; tool boxes, not of metal, empty
<u>ROMWE</u> RN: 5932893 SN: 87857272  Registered 12/10/2019 First Use 2/1/2019	(Int'l Class: 21) Battery-powered applicators for applying cosmetics to eyelashes; daily used enamel plastic wares, namely, basins in the nature of receptacles, bowls, plates, pots, cups; daily use glassware, namely, cups, plates, pots, butter crocks; daily use chinaware, namely, basins in the nature of receptacles, bowls, plates, pots, coffee services in the nature of tableware, butter crocks, candle jars, trash cans; basting brushes; beverage glassware for serving liqueur; boxes for dispensing paper towels for household use; toothbrushes; toothpicks; combs
<u>ROMWE</u> RN: 5932894 SN: 87857278  Registered 12/10/2019 First Use 2/1/2019	(Int'l Class: 26) Hair clips; hair accessories, namely, jaw clips; hair pins; hat pins; belt buckles; bobby pins; hat ornaments not of precious metal, namely, hat trimmings
<u>ROMWE</u> RN: 5932891 SN: 87857266  Registered 12/10/2019 First Use 2/1/2019	(Int'l Class: 18) Bags, namely, suit bags; pocket wallets; rucksacks; attaché cases; handbags; travelling trunks; key cases; bags for sports; umbrellas; imitation leather; wallets; purses; knapsacks; suitcases; beach bags; all-purpose sports bags; book bags; travel cases made of leather; shopping

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
	bags, namely, leather shopping bag, textile shopping bag; Travel kit bags, namely, travel cases sold; string bags for shopping
<u>SHEGLAM</u> (Stylized)  RN: 6323294 SN: 88620497 Registered 4/13/2021 First Use 8/20/2019	(Int'l Class: 03) Make-up products, namely, foundation, concealer, primer, setting spray, setting powder, highlighter, contour, mascara, eyeliner, eyeshadow, lipstick, lip gloss, lip balm, blush, bronzer, non-medicated cosmetics; non-medicated skin care products, namely, moisturizers, night creams, face oils, face mists, face lotions, face creams, neck creams, face wash, face cleanser, face exfoliant creams, makeup remover, toner, face serums, eye creams, face masks, sheet masks; non-medicinal toiletry preparations and cosmetics; non-medicinal dentifrices; essential oils for manufacture of perfumed products; cosmetics; cosmetic kits comprised of foundation, concealer, primer, setting spray, setting powder, highlighter, contour, mascara, eyeliner, eyeshadow, lipstick, lip gloss, lip balm, blush, bronzer, non-medicated cosmetics, moisturizers, night creams, face oils, face mists, face essences, neck creams, face wash, face cleanser, face exfoliators, makeup remover, toner, face serums, eye creams, face masks, sheet masks; make-up removing preparations; lipsticks; pencils for cosmetic use; nail varnish; lacquer-removing preparations; tissues impregnated with cosmetic lotions; lotions for cosmetic use; sachets for perfuming linen; nail care products, namely, nail buffering preparations, nail care preparations, nail cream, cuticle remover; false nails; bath preparations for cosmetic use; non-medicated toiletry preparations; oral hygiene products, namely, toothpaste, non-medicated mouthwashes; bath salts other than for medical use; oils for toiletry purposes; sunscreen products, namely, sunscreen preparations, sunscreen cream, sunscreen sticks; eau de cologne; deodorant soaps; beauty masks; eyebrow cosmetics; cosmetic creams; non-medicated bars of soap; scented water, namely, scented linen waters; perfumes; cosmetic preparations for eyelashes; cosmetic products for skin care, namely, cosmetic creams for skin care, wrinkle removing skin care preparations, hand masks for skin care; make-up powder; fragrances, perfumes and colognes; essential oils for personal use
<u>LUVLETTE</u> RN: 6748110 SN: 90378478 Registered 5/31/2022 First Use 8/1/2021	(Int'l Class: 025) Clothing, namely, underwear; bottoms as clothing; tops as clothing; underwear; nightwear; lingerie; loungewear; swimwear; activewear in the nature of jogging suits and sweat suits; footwear; headwear
<u>LUVLETTE</u> (Stylized)  RN: 6748109 SN: 90378468	(Int'l Class: 025) Clothing, namely, underwear; bottoms as clothing; tops as clothing; underwear; nightwear; lingerie; loungewear; swimwear; activewear in the nature of jogging suits and sweat suits; footwear; headwear

<b>Mark/Name/AN/RN</b>	<b>Full Goods/Services</b>
Registered 8/31/2022 First Use 2/1/2021	

12. True and correct copies of the trademark registrations for the Affiliate Brand Marks are attached as **Exhibit C**. For ease of reference, unless otherwise stated, I refer to the SHEIN Marks and the Affiliate Brand Marks collectively as the SHEIN Marks.

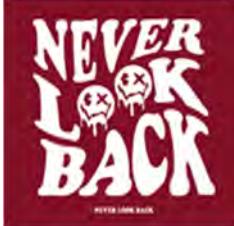
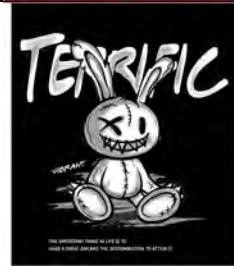
13. Roadget has never licensed or authorized the use of the SHEIN Marks or Affiliate Brand Marks to Defendants for any purpose whatsoever, or to any third party for any use in connection with the online retail store at <https://www.temu.com> and corresponding mobile application (together, the “Temu Website”) or any product sold through the Temu Website. Thus, any and all uses of the SHEIN Marks or Affiliate Brand Marks — including on the products themselves, in webpage titles, in advertisements for the Temu Website, in search results or as a recommended search term, in product listings or product photos, or on clothing tags or watermarks – are unauthorized.

14. To further protect its investment in the SHEIN brand and goodwill, Roadget also owns a number of copyrights, including the following copyrights registered with the U.S. Copyright Office for promotional/product images displayed on the SHEIN Website and for two-dimensional visual works incorporated into underlying products sold on the SHEIN Website:

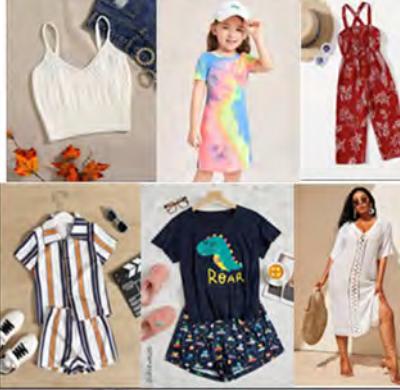
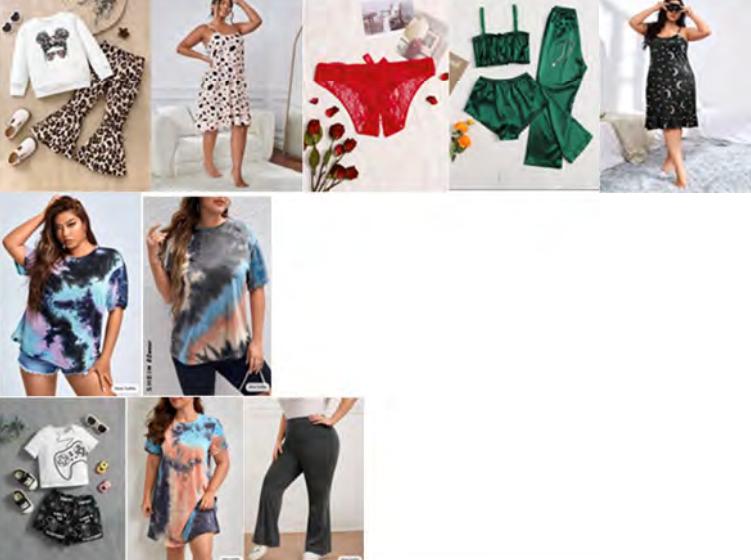
<b>Copyright Reg. Number</b>	<b>Deposit Copy of Work</b>
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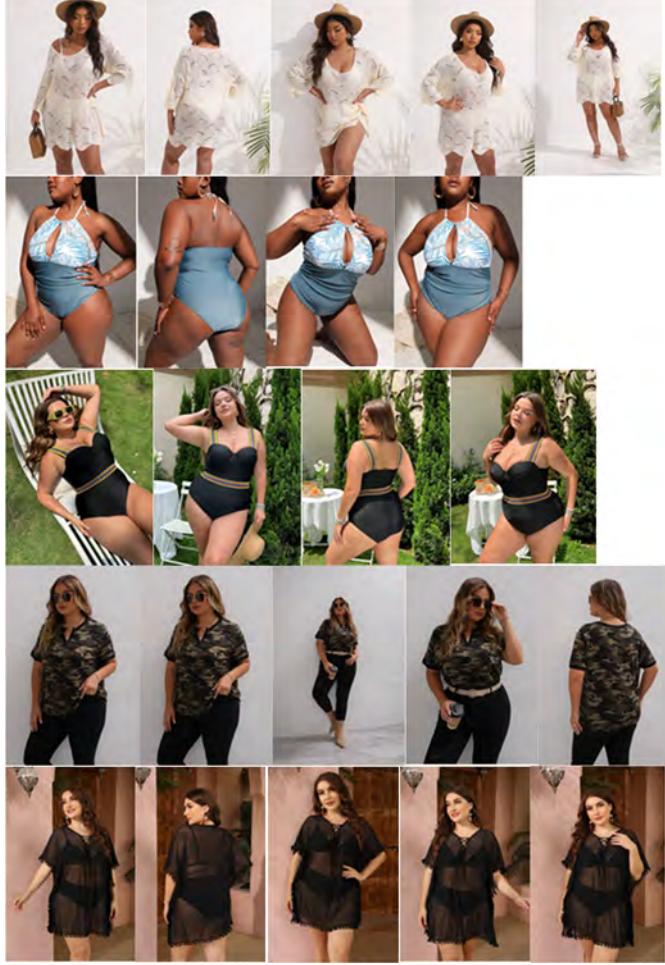
Copyright Reg. Number	Deposit Copy of Work
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VA0002320439	
VA0002325368	
VA0002325347	

Copyright Reg. Number	Deposit Copy of Work
VA0002325350	
VA0002325348	
VA0002336726	
VAu001490964	
VAu001490963	

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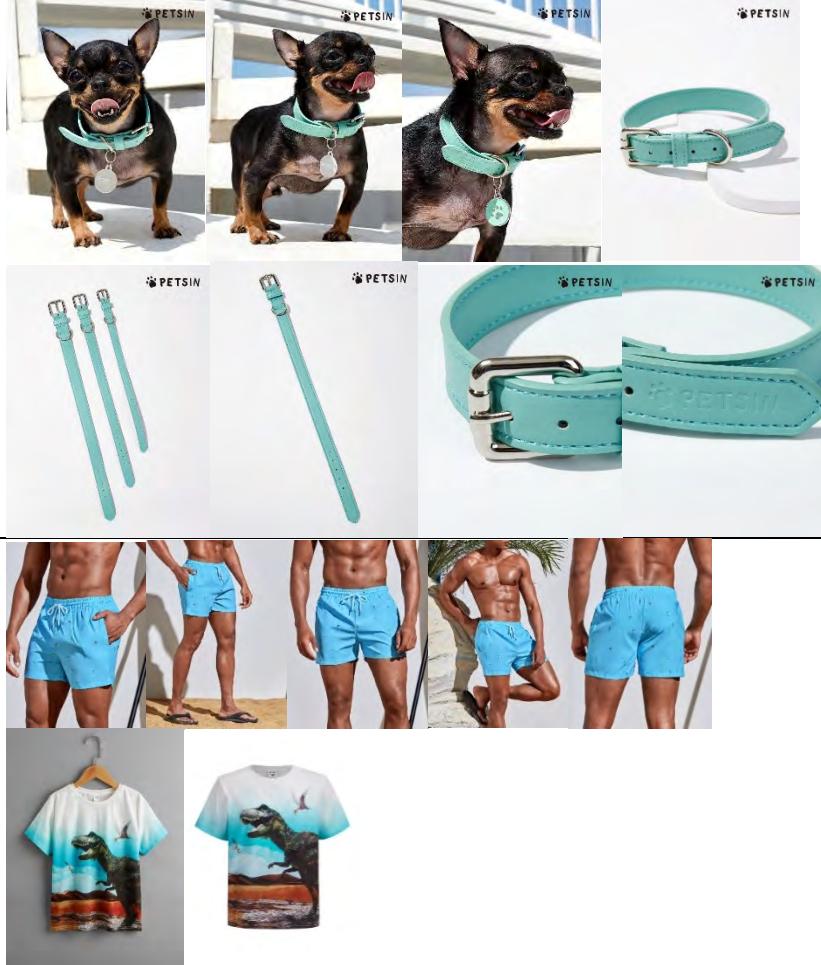
Copyright Reg. Number	Deposit Copy of Work
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VA0002340990	
VA0002341313	

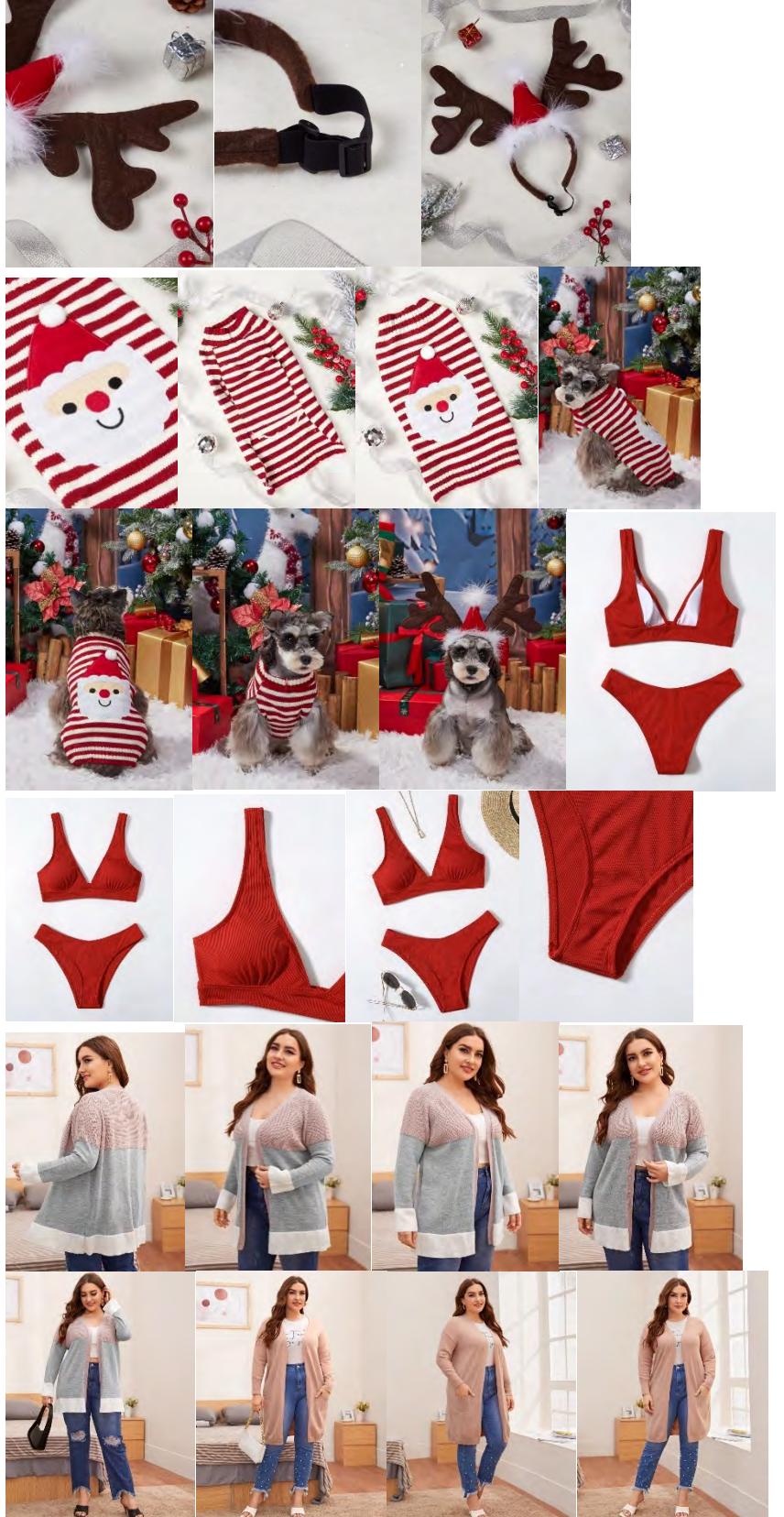
Copyright Reg. Number	Deposit Copy of Work
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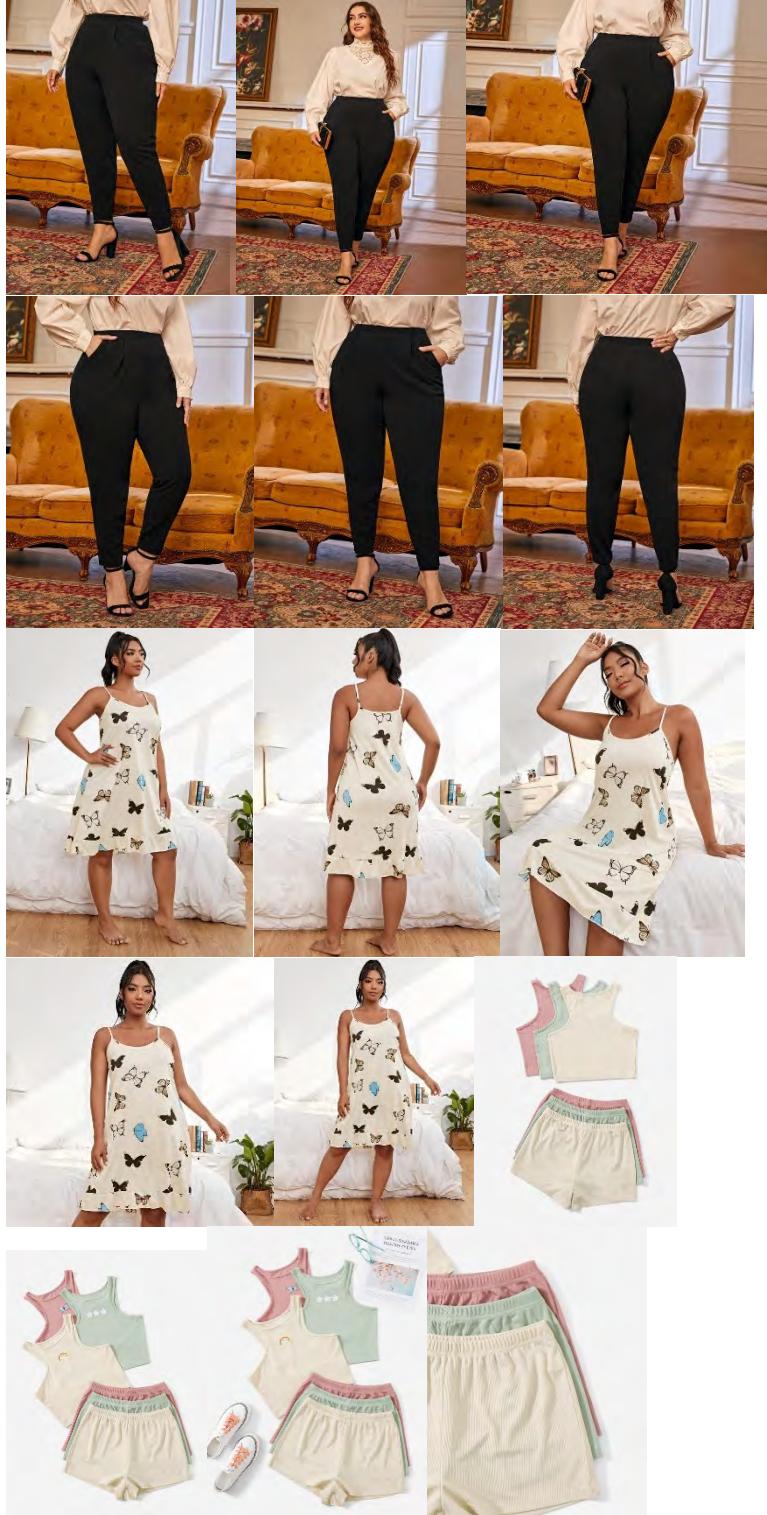
Copyright Reg. Number	Deposit Copy of Work
VAu001497137	

Copyright Reg. Number	Deposit Copy of Work
	

Copyright Reg. Number	Deposit Copy of Work
VAu001497132	 <p>The deposit copy for copyright registration VAu001497132 includes six photographs. The top row shows a black and tan Chihuahua wearing a teal leather collar with a silver buckle and a small circular tag. The bottom row shows three teal leather dog collars, one long strap, and two men modeling bright blue swim trunks.</p>
VAu001497129	 <p>The deposit copy for copyright registration VAu001497129 includes seven photographs of a man modeling white ribbed turtleneck shirts and black pants against a backdrop of modern buildings.</p>

Copyright Reg. Number	Deposit Copy of Work
	

Copyright Reg. Number	Deposit Copy of Work
	 
VAu001497128	  

Copyright Reg. Number	Deposit Copy of Work
	

Copyright Reg. Number	Deposit Copy of Work
	
VAu001497127	

Copyright Reg. Number	Deposit Copy of Work
	  
	  
	  
	  

Copyright Reg. Number	Deposit Copy of Work
	  
	  
	  
	  

Copyright Reg. Number	Deposit Copy of Work
	<p>The deposit copy of work consists of a 4x3 grid of 12 images. The images include:</p> <ul style="list-style-type: none"><li>Top-left: A woman in a blue satin robe with lace sleeves standing in a room with a painting.</li><li>Top-middle: A woman in light blue jeans and a white crop top.</li><li>Top-right: A woman in light blue jeans and a white crop top, seen from behind, holding a hat and a bag.</li><li>Middle-left: Two side views of a person wearing light blue jeans and a white crop top.</li><li>Middle-middle: Two front views of a person wearing light blue jeans and a white crop top.</li><li>Middle-right: Two back views of a person wearing light blue jeans and a white crop top.</li><li>Bottom-left: A black lace-trimmed skirt.</li><li>Bottom-middle-left: A black ribbed crop top.</li><li>Bottom-middle-middle: A close-up of a dark fabric with a gathered elastic band.</li><li>Bottom-middle-right: A black lace-trimmed crop top.</li><li>Bottom-left: A woman in a white t-shirt with green dino prints.</li><li>Bottom-middle-left: A woman in a white t-shirt with green dino prints.</li><li>Bottom-middle-middle: A woman in a white t-shirt with green dino prints.</li><li>Bottom-right: A woman in black pants and a white crop top.</li></ul>

Copyright Reg. Number	Deposit Copy of Work
	 <p>The grid contains nine photographs of a woman modeling different styles of clothing. The top row shows her from the side and back wearing black wide-leg pants and a white long-sleeved crop top. The middle row shows her from the side and back wearing black straight-leg pants and a white long-sleeved crop top. The bottom row shows four different pairs of black denim shorts with frayed hem details, paired with various tops.</p>
VAu001497125	 <p>The grid contains five photographs of a striped garment, likely a bikini top or crop top, shown from different angles. It also includes a pair of blue jeans and a pair of sandals.</p>

15. True and correct copies of the copyright registration certificates for the above product images and two-dimensional visual works are attached as **Exhibit D**. The registrations, along with the underlying images and designs, are collectively referred to as the “SHEIN Registered Copyrights.”

16. All images registered with the United States Copyright Office, including those asserted in this litigation, are included as part of product listings for products offered on the SHEIN Website.

17. Roadget has licensed the SHEIN Registered Copyrights to SDC.

18. Roadget has never licensed any of the SHEIN Registered Copyrights (or any other copyrighted work) to Defendants, or otherwise authorized Defendants or any third party to reproduce, distribute, or publicly display any of the SHEIN Registered Copyrights (or other copyrighted works), or prepare derivative works based on them, in connection with Temu Website and/or any product sold on the Temu Website.

**Defendants and Their Wrongful Conduct**

19. My understanding, based on publicly available information, is that PDD, directly or indirectly through WhaleCo, owns and operates the Temu Website. I have visited the Temu Website and viewed Temu's product offerings.

20. Temu is not affiliated with the SHEIN brand in any way, and Temu does not offer for sale any authorized SHEIN-branded products on the Temu Website. Nor do Roadget or SDC market or promote any of the SHEIN brands or Affiliate Brands in connection with Temu or products offered on the Temu Website.

**(a) Defendants' Ongoing Copyright Violations**

21. On numerous occasions, and based on my review of the Temu Website, Temu has marketed and offered for sale products that are similar to those offered on the SHEIN Website, including by using photos and product designs that are identical or strikingly similar to Roadget's copyrighted works. The copyrighted works at issue include original photos of products branded under the SHEIN Marks and Affiliate Brand Marks, and used in product listings to promote and sell those products through the SHEIN Website (the "SHEIN Product Photos"), as well as original designs incorporated in products sold through product listings on the SHEIN Website (the "SHEIN Designs").

22. A side-by-side comparison of the copyrighted works and virtually identical or strikingly similar images within competing product listings displayed on the Temu Website is attached as **Exhibit E**. The exhibit contains true and correct copies of the images and designs underlying the SHEIN Registered Copyrights and of screenshots of product listings taken from the Temu Website.

23. Roadget and the legal group at SDC, for which I have involvement as part of my responsibilities as in-house counsel, have sent numerous takedown notices to [ipprotection@temu.com](mailto:ipprotection@temu.com), which is identified on the Temu Website as the email address for Temu’s Designated Agent to Receive Notifications under the Digital Millennium Copyright Act (“DMCA”). These notices identified both the copyrighted work and the infringing product or image listing(s) on the Temu Website (the “DMCA Takedown Notices”). True and correct copies of excerpts of certain DMCA Takedown Notices sent by Roadget and SDC (collectively, “Shein”) are attached as **Exhibit F**. As shown in Exhibit F, Shein began sending DMCA Takedown Notices as early as November of 2022. Over 10,000 infringing listings were identified in DMCA Takedown Notices as of the filing of Roadget’s Second Amended Complaint in June of 2023.

24. Shein (including SDC’s legal group) received responses to the DMCA Takedown Notices from the email address [ipprotection@temu.com](mailto:ipprotection@temu.com) on behalf of the “Temu IP Protection Team”. True and correct examples of responses received by Shein are attached as **Exhibit G**.

25. Despite posting an Intellectual Property Policy on its website claiming that Temu “strive[s] to respond quickly by removing or disabling access to the allegedly infringing material” upon receipt of a DMCA Takedown Notice, Temu has on multiple occasions either failed to take down or significantly delayed the removal of infringing listings identified in Shein’s DMCA Takedown Notices.

26. For example, Temu failed to take down two infringing product photos that were identified four separate times over the course of seven months. As shown on pages 1-8 of **Exhibit F**, Shein notified Temu of several infringing images in a DMCA Takedown Notice sent to Temu on November 8, 2022, which identified URLs for the product listings for “Girls Casual Patchwork Stripe Embroidered Pullover T-Shirt” and “2pc Boys Autumn Long Sleeve Set Kid: Fashion Sports Casual Set”. These listings displayed infringing images identical to Roadget’s copyrighted photos corresponding with Registration Nos. VA0002320444 and VA0002325368, which Shein also identified in the DMCA Takedown Notice. These copyrighted photos and infringing listings were

also identified in Roadget's Complaint (filed December 16, 2023), First Amended Complaint (filed March 1, 2022), and Second Amended Complaint (filed June 14, 2023).

27. In discovery responses served on June 8, 2023, WhaleCo claimed these listings could no longer be viewed. Attached as **Exhibit H** is a true and correct copy of WhaleCo's Responses to Roadget's Second Set of Interrogatories. WhaleCo's response to Interrogatory No. 21 stated that the "Last Date Listing Could Be Viewed" by a U.S. consumer was November 1, 2022 for "Girls Casual Patchwork Stripe Embroidered Pullover T-Shirt," and January 9, 2023 for "2pc Boys Autumn Long Sleeve Set Kid: Fashion Sports Casual Set." The same interrogatory response indicated that the Temu Website sold 122 units of products under these two listings in which the Temu Website displayed allegedly infringing product photos (and an additional 59 units of products under two additional listings displaying other infringing product photos).

28. Based on a subsequent investigation, the infringing images from these two product listings identified by URL in the DMCA Takedown Notices were still viewable after January 9, 2023. True and correct screen captures taken on July 4, 2023, of the listings identified by URLs in the DMCA Takedown Notice on November 8, 2022 as displaying the infringing photos for "Girls Casual Patchwork Striped Embroidered Pullover T-Shirt" and "2pc Boys Autumn Long Sleeve Set Kid: Fashion Sports Casual Set" are attached as pages 1-4 of **Exhibit I**. As shown in this Exhibits, the same infringing images were still viewable to United States consumers as of July 4, 2023, and the Temu Website provided an option to allow United States consumers to sign up to receive a notification when the items depicted by the infringing photos are back in stock. Defendants therefore failed to take down the infringing content identified by Roadget four separate times over the course of seven months.

29. Similarly, on another occasion, Temu sent a confirmation of removal in response to a DMCA Takedown Notice which turned out not to be true. Attached as page 12 of **Exhibit F** is a true and correct copy of a DMCA Takedown Notice sent by Shein on January 31, 2023. This notice identified, in an attached Excel spreadsheet, the infringing product listing, the specific URL

corresponding to the location of the infringing listing, and a (resizable) screenshot displaying the copyrighted photo. Below is the infringing listing identified in the notice:



30. As shown on page 1 of **Exhibit G**, on February 8, 2023, the Temu IP Protection Team responded that it had “removed the accused content” identified in the DMCA Takedown Notice.

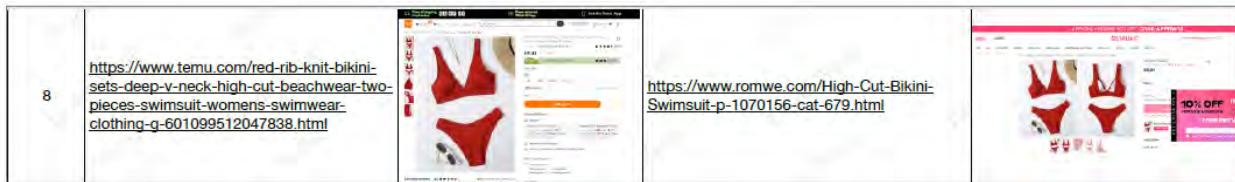
31. But as of at least April 4, 2023, more than two months after the notice was sent, the listing remained active, as shown by the true and correct screenshot of the same infringing listing attached as page 5 of **Exhibit I**.

32. Shein then included the listing in another DMCA Takedown Notice dated April 27, 2023, as shown on page 24 of **Exhibit F**.

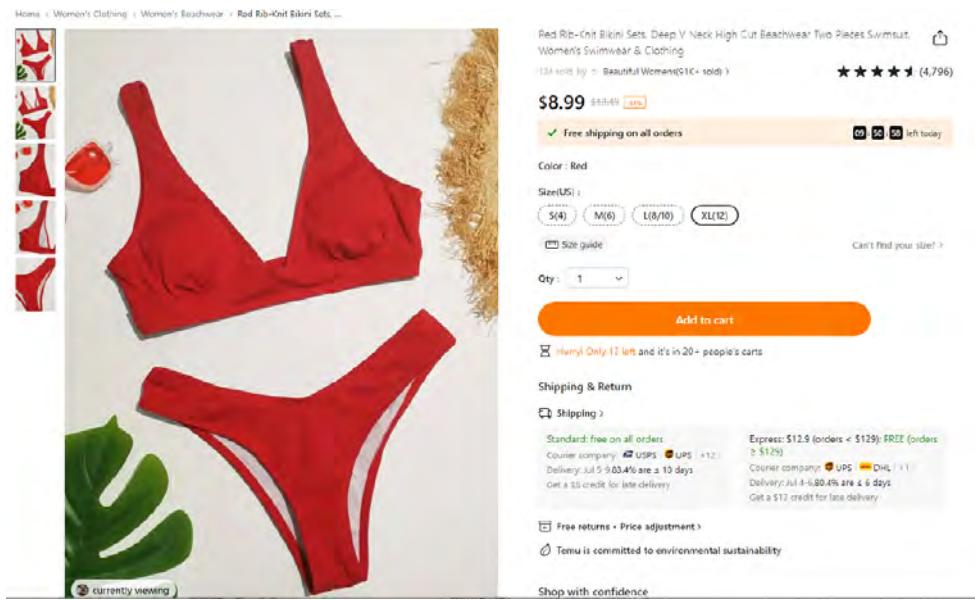
5	<a href="https://www.temu.com/plus-size-satin-contrast-lace-v-neck-sleepwear-robe-womens-plus-slight-stretch-elegant-nightgowns-g-601099513253771.html?bg_fs=1&amp;top_gallery_url=https%3A%2F%2Fimg.kwcdn.com%2Fproduct%2FFancyalgo%2FVirtualModelMatting%2Fb9d97ff9d45166e83cea858557ef3f3c.jpg&amp;spec_id=160918&amp;spec_gallery_id=248&amp;refer_page_sn=10012&amp;refer_source=0&amp;freesia_scene=3">https://www.temu.com/plus-size-satin-contrast-lace-v-neck-sleepwear-robe-womens-plus-slight-stretch-elegant-nightgowns-g-601099513253771.html?bg_fs=1&amp;top_gallery_url=https%3A%2F%2Fimg.kwcdn.com%2Fproduct%2FFancyalgo%2FVirtualModelMatting%2Fb9d97ff9d45166e83cea858557ef3f3c.jpg&amp;spec_id=160918&amp;spec_gallery_id=248&amp;refer_page_sn=10012&amp;refer_source=0&amp;freesia_scene=3</a>		<a href="https://us.shein.com/Plus-Contrast-Eyelash-Lace-Slit-Hem-Belted-Satin-Robe-Without-Lingerie-p-9084342-cat-2349.html">https://us.shein.com/Plus-Contrast-Eyelash-Lace-Slit-Hem-Belted-Satin-Robe-Without-Lingerie-p-9084342-cat-2349.html</a>	
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33. At some time thereafter, the listing appears to have been removed.

34. In another example, Shein sent a DMCA Takedown Notice on March 13, 2023 (included on page 15-20 in **Exhibit F**), identifying the infringing product listing (by photo and URL) for “Red Rib-Knit Bikini Set, Deep V Neck High Cut Beachwear Two Pieces Swimsuit, Women’s Swimwear & Clothing” and Roadget’s corresponding copyrighted photographs, and requesting that the infringing material be removed:



As of June 27, 2023, as shown on page 7 of **Exhibit I**, a true and correct copy of the listing at the identified URL, the listing remained active, displaying images strikingly similar to the copyrighted work, and the same product remained available for purchase:



35. In another example, Shein sent a DMCA notice on April 27, 2023, identifying the infringing product listing (by photo and URL) for “Striped Print Color Block Cami Top Sexy Sleeveless Button Front V-Neck Summer Vest Women’s Clothing” and Roadget’s corresponding copyrighted photographs, and requesting that the infringing material be removed:

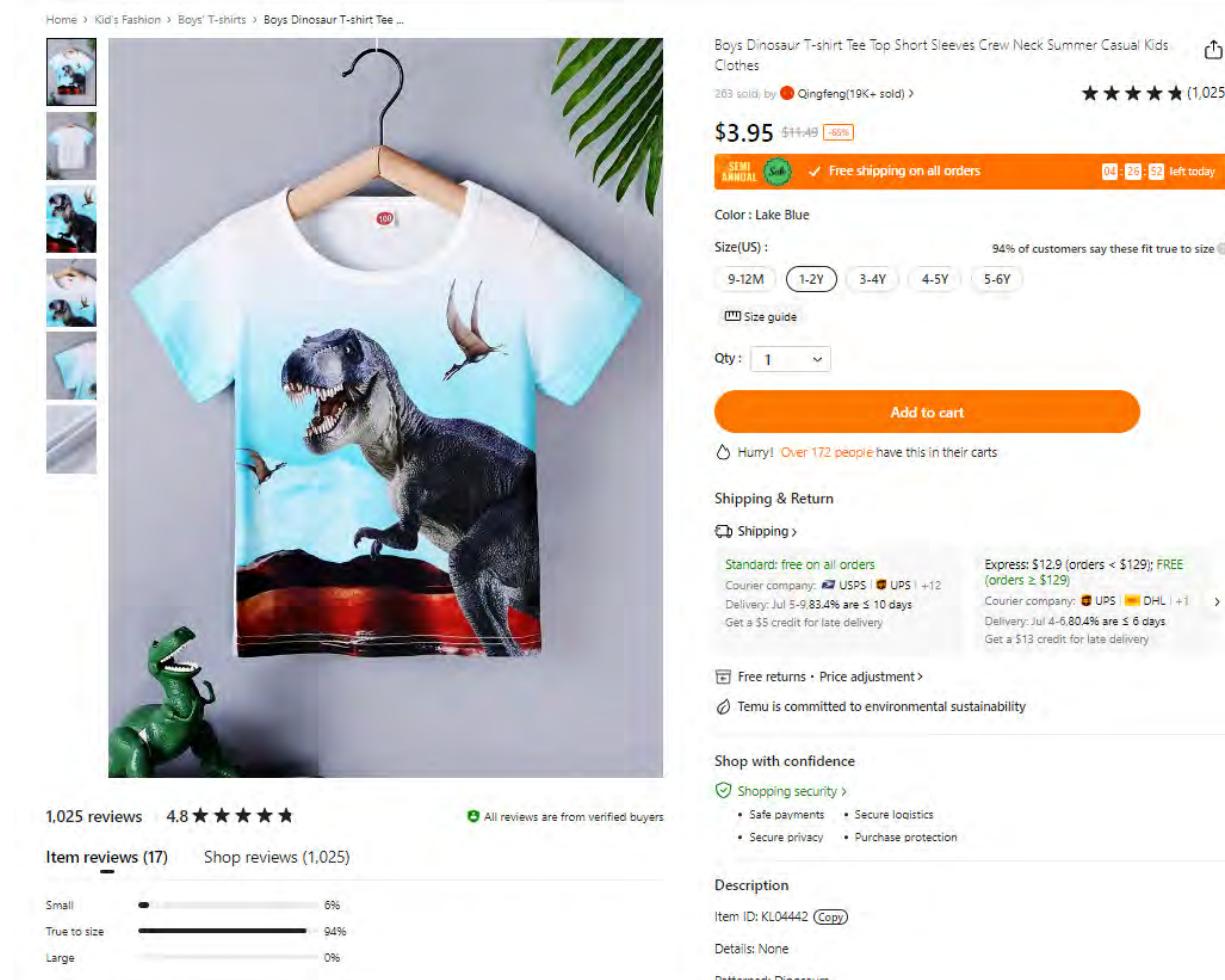
155	<a href="https://www.temu.com/stripped-print-color-block-cami-top-sexy-sleeveless-button-front-v-neck-summer-vest-womens-clothing-g-601099514283052.html">https://www.temu.com/stripped-print-color-block-cami-top-sexy-sleeveless-button-front-v-neck-summer-vest-womens-clothing-g-601099514283052.html</a>		<a href="https://fr.romwe.com/Colorful-Striped-Crop-Cami-p-535582-cat-672.html">https://fr.romwe.com/Colorful-Striped-Crop-Cami-p-535582-cat-672.html</a>	
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A true and correct copy of this notice and specific listing is attached as pages 21-22 and 34 of **Exhibit F**. Nearly one month later, as shown on page 7 of **Exhibit G**, on May 21, 2023, the Temu IP Protection Team responded that it had “removed the accused content.” As of June 18, 2023, the infringing listing at the same URL remained active, as shown on pages 8-11 of **Exhibit I**, a true and correct capture of that listing on that date.

36. From that same DMCA Takedown Notice dated April 27, 2023 (and attached on page 32 of **Exhibit F**), Shein identified another infringing product listing (by photo and by URL) and Roadget’s corresponding copyrighted photograph, and requested that the infringing material be removed:

132	<a href="https://www.temu.com/boys-dinosaur-t-shirt-tee-top-short-sleeves-crew-neck-summer-causal-kids-clothes-g-601099513796403.html">https://www.temu.com/boys-dinosaur-t-shirt-tee-top-short-sleeves-crew-neck-summer-causal-kids-clothes-g-601099513796403.html</a>		<a href="https://us.shein.com/SHEIN-Boys-Dinosaur-Print-Ombre-Tee-p-2965874-cat-1999.html?src_identifier=st%3D2%60sc%3Ds210619414595653%60sr%3D0%60ps%3D1&amp;src_module=search&amp;src_tab_page_id=page_goods_detail1678934798852&amp;mallCode=1">https://us.shein.com/SHEIN-Boys-Dinosaur-Print-Ombre-Tee-p-2965874-cat-1999.html?src_identifier=st%3D2%60sc%3Ds210619414595653%60sr%3D0%60ps%3D1&amp;src_module=search&amp;src_tab_page_id=page_goods_detail1678934798852&amp;mallCode=1</a>	
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37. As of June 27, 2023, as shown on pages 12-13 of **Exhibit I**, the listing at the same URL remained active and displayed an image that is still strikingly similar to the copyrighted work. The same product remained available for purchase at least as of that date:



38. Additionally, Shein identified the below Roadget copyrighted work and infringing listing for “Boys Color Block Outfit Short Sleeves Round Neck T-shirt & Shorts Casual For Summer Kids Clothes” in a DMCA Takedown Notice dated April 27, 2023 (and attached as page 29 of **Exhibit F**):



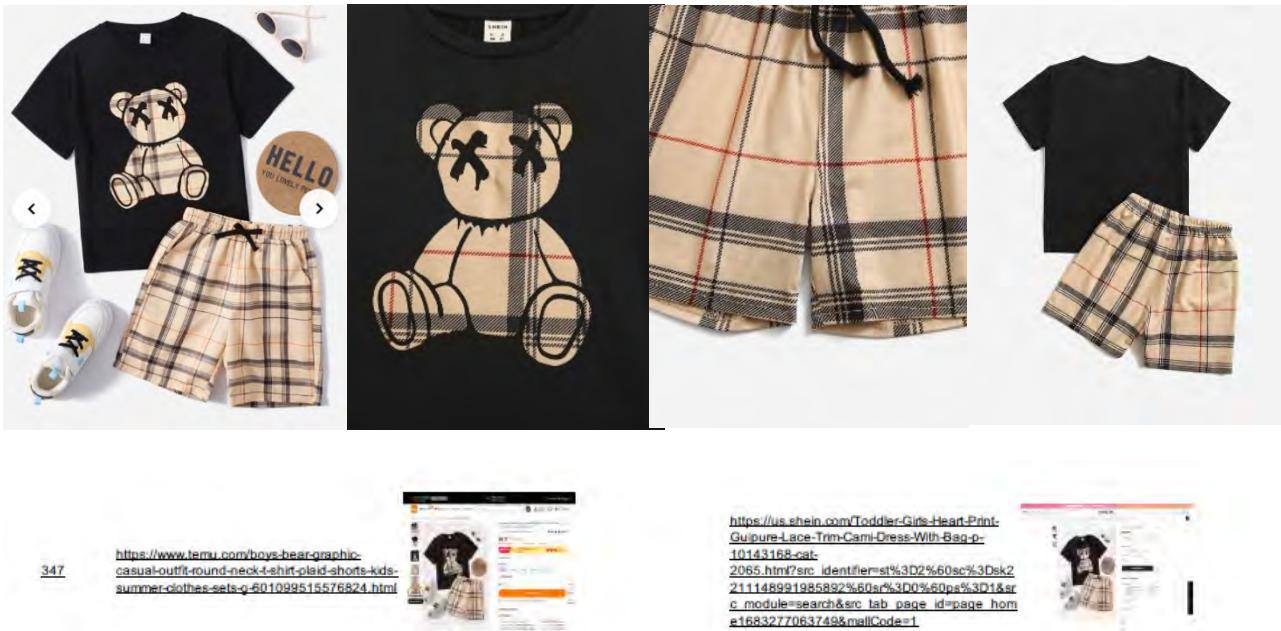
39. As shown in true and correct screenshots taken on July 5, 2023, attached as pages 14-17 of **Exhibit I**, a near identical URL associated with the same seller was active and displayed near identical product images. Another listing with a near identical product name, displaying near identical images sold by a different seller *also* remained active, with both underlying products still available for purchase.

40. Similarly, as shown on page 47 of **Exhibit F**, Shein identified the below copyrighted design and infringing product listing for a product “Men’s Casual Letter & Cartoon Face Graphic Athletic Gym Shorts Elastic Waist Pajama Shorts With Pocket Men Workout Jogger Short Pants” displaying the design in a DMCA Takedown Notice dated May 22, 2023:



41. But as shown in a true and correct screenshot of the same product listing taken on July 5, 2023, attached as pages 18-19 of **Exhibit I**, the Temu Website continues to display the listing and displays an option for consumers to request notification when the item comes back in stock.

42. In a final example, Shein first identified a product listing infringing the below copyrighted photographs in a DMCA Takedown Notice dated May 10, 2023, as shown on pages 37 and 41 of **Exhibit F**:



As shown on page 9 of **Exhibit G**, nearly six weeks later, the Temu IP Protection Team responded that it had “removed the accused content.” Although the particular infringing listing at the URL identified appears to have been taken down, two new listings with strikingly similar photographs were displayed on the Temu Website (including one associated with the exact same seller, “jingya”, and another by a different seller) as of at least June 20, 2023, the day of the IP Protection Team’s reply, as shown below and on pages 20-23 of **Exhibit I**, which contains true and correct copies of screenshots of these listings on that date:

Home > Kid's Fashion > Boys' Sets > Boys Cartoon Bear Outfit S...

Boys Cartoon Bear Outfit Shorts & T-shirt Short Sleeves Crew Neck Casual Summer Kids Clothes

JK sold by jingya(49K+ sold) ★★★★★ (2,689)

**\$6.74** \$18.99

Free shipping on all orders 11 · 11 · 12 left today

Color : Black

Size(US) : 1-2Y 3-4Y 4-5Y 5-6Y 7-8Y 93% of customers say these fit true to size

Size guide

Qty : 1 Add to cart

Hurry! Over 999 people have this in their carts

Shipping & Return

Shipping Standard: free on all orders Courier company: UPS +12 Delivery: Jun 28-Jul 2, 64.2% are ≤ 10 days Get a \$5 credit for late delivery

Express: \$12.90, free over \$129.00 Courier company: UPS +1 DHL +1 Delivery: Jun 27-29, 80.5% are ≤ 6 days Get a \$13 credit for late delivery

Free returns within 90 days Temu is committed to environmental sustainability

Shop with confidence

Shopping security Safe payments Secure logistics Secure privacy Purchase protection

Item reviews (137) Shop reviews (2,689)

Home > Kid's Fashion > Boys' Sets > Boys Bear Graphic Outfit S...

Boys Bear Graphic Outfit Short Sleeves Round Neck T-shirt & Plaid Shorts Casual

For Summer Kids Clothes

JK sold by Sky Star(54K+ sold) ★★★★★ (2,932)

**\$10.43** \$26.99

4 interest-free installments of \$2.61 with [Temu](#) or [Klarna](#)

Free shipping on all orders 11 · 11 · 12 left today

Color : Black

Size(US) : 1-2Y 3-4Y 4-5Y 5-6Y 7-8Y

Size guide

Qty : 1 Add to cart

Hurry! Over 219 people have this in their carts

Shipping & Return

Shipping Standard: free on all orders Courier company: UPS +12 Delivery: Jun 28-Jul 2, 84.2% are ≤ 10 days Get a \$5 credit for late delivery

Express: \$12.90, free over \$129.00 Courier company: UPS +1 DHL +1 Delivery: Jun 27-29, 80.5% are ≤ 6 days Get a \$13 credit for late delivery

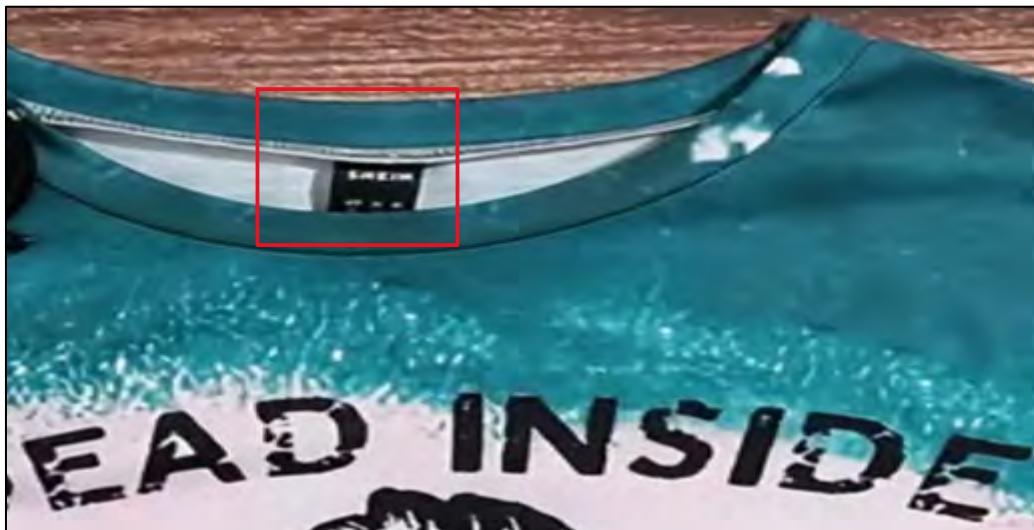
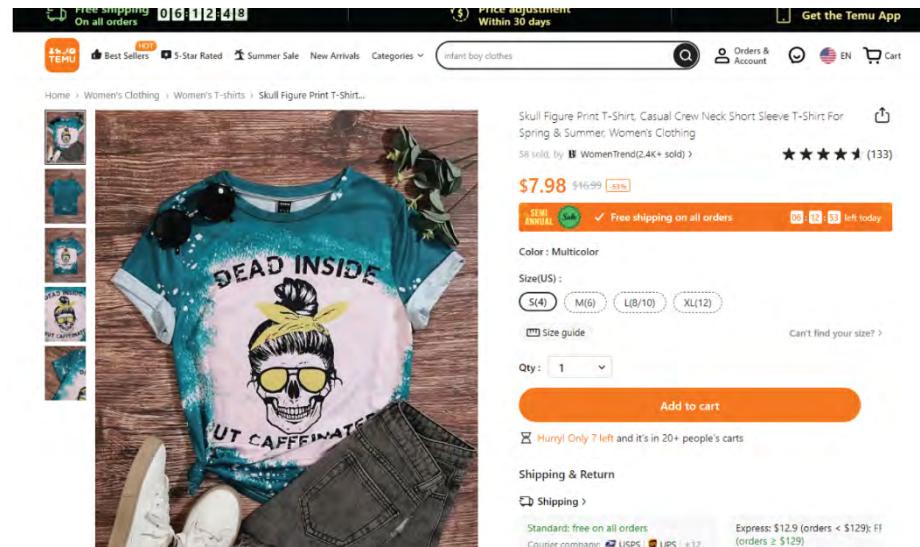
Free returns within 90 days Temu is committed to environmental sustainability

Shop with confidence

43. As of June 20, 2023, the Temu Website displayed both of these new listings in recommended “similar items” to a user who visited the original infringing URL that was apparently taken down, as shown on page 24-25 of **Exhibit I**, a true and correct copy of the original listing.

**(b) Evidence Pertaining to Defendants' Recent Trademark Violations**

44. I am also aware of product listings on the Temu Website displaying images of apparel with clothing tags using the stylized SHEIN Mark to promote the sale of apparel items that are not genuine SHEIN-branded goods, as shown in the example here:

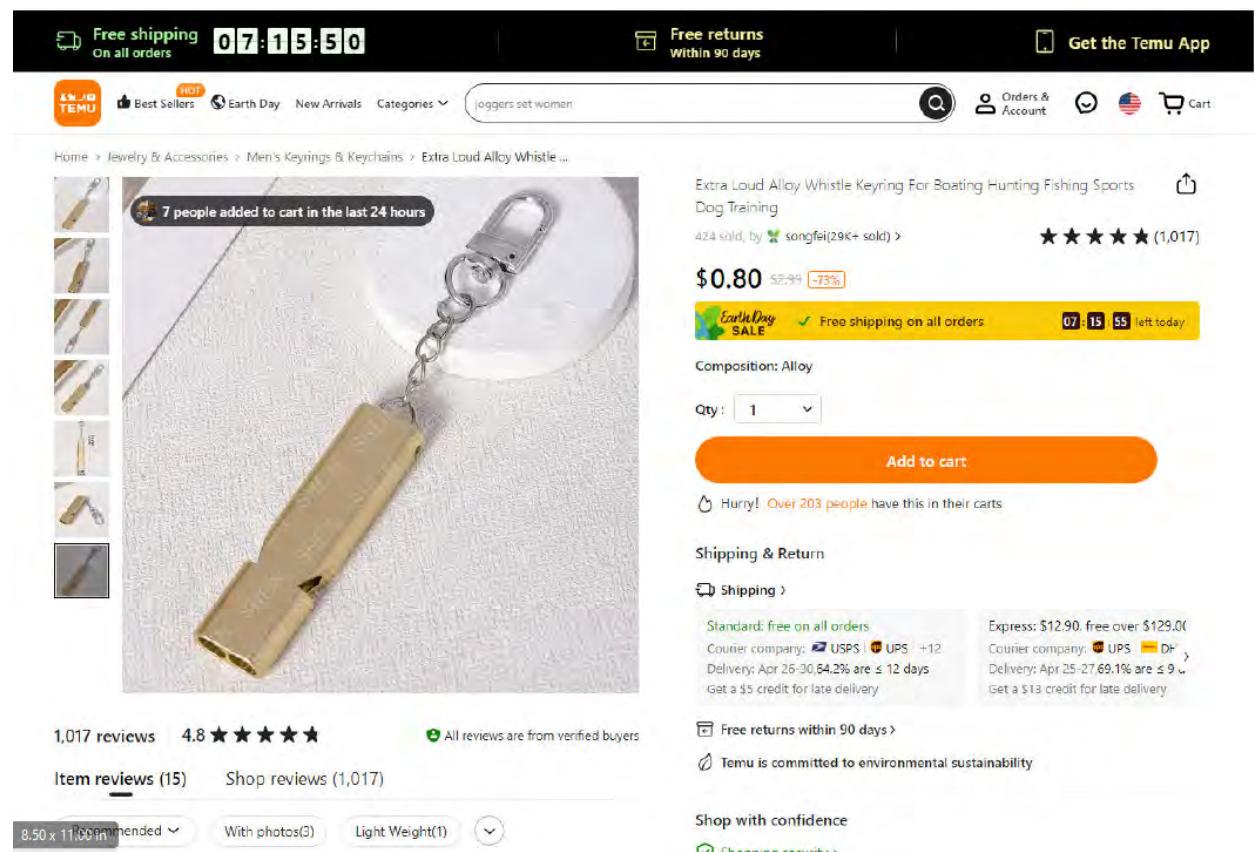


45. Roadget identified this listing on May 24, 2023 (including the listing's URL), then again on June 9, 2023, and again when Roadget filed its Second Amended Complaint on June 14, 2023. When checked on June 22, 2023, the listing was still active and the underlying product remained available for purchase. On June 27, 2023, the product appeared no longer available for purchase, but the product images using the stylized SHEIN Mark on the clothing tags were still

displayed on the Temu Website—and still suggesting that genuine SHEIN branded apparel were sold on Temu (but currently not available).

46. True and correct copies of this t-shirt listing, as well as additional product listings from the Temu Website displaying other images of apparel with SHEIN clothing tags, are set forth in **Exhibit B**. This exhibit also shows genuine SHEIN-branded products offered on the SHEIN website that appear to have been reproduced on the Temu Website.

47. After the filing of Plaintiff's motion for preliminary injunction, Roadget discovered a product listing for a dog whistle on Temu's website. A true and correct screen capture of the webpage <https://www.temu.com/extra-loud-alloy-whistle-keyring-for-boating-hunting-fishing-sports-dog-training-g-601099513633834.html> is attached as **Exhibit J** and reproduced below.



48. In one photo of the product in the listing (a dog whistle), a SHEIN watermark can be seen. Shein did not provide the photograph to Temu or authorize Temu to use the image or the SHEIN Mark to promote the product shown in the listing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on the date shown below in

Guangzhou, CHINA



TIM WEI

Dated: July 7, 2023